

Practitioner's Docket No. HES 2003-IP-011937U1

DFW
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: B . Raghava Reddy et al.

Application No: 10 / 759,678

Group No.: 1755

Filed: 01/16/2004

Examiner: Marcantoni, Paul D.

For: Settable Fluids Comprising Particle-Size Distribution-Adjusting Agents and Methods of Use

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
BEFORE MAILING DATE OF EITHER A FINAL ACTION
OR NOTICE OF ALLOWANCE (37 C.F.R. § 1.97(c))**

NOTE: 37 C.F.R. 1.97: "(c) An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of:

- (1) The statement specified in paragraph (e) of this section; or
- (2) The fee set forth in § 1.17(p)."

NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

☒ with sufficient postage as first class mail.

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☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Date: 9-14-04

Sheila Gibbs
Signature

Sheila Gibbs

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Transmittal of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of Allowance [6-4]—page 1 of 3)

NOTE: 37 C.F.R. § 1.704(d): "A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable."

NOTE: "If information submitted during the period set forth in 37 C.F.R. 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, if the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 C.F.R. § 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

WARNING: No extension of time can be had under 37 C.F.R. 1.136 (a) or (b) for filing an IDS. 37 C.F.R. 1.97(f).

TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed **after** three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but **before** the mailing date of either:
 - (1) a final action under § 1.113 or
 - (2) a notice of allowance under § 1.311,whichever occurs first.

STATEMENT OR FEE

2. Accompanying this transmittal is

(check either A or B below)

A. ☐ a statement as specified in 37 C.F.R. § 1.97(e).

OR

B. ☒ the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00).

(Transmittal of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of Allowance [6-4]—page 2 of 3)

FEE PAYMENT

(complete this item, if applicable)

3. Applicant elects the option to pay the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c) (\$180.00).

Fee due \$ 180

METHOD OF PAYMENT OF FEE

4.

- ☐ Attached is a ☐ check ☐ money order in the amount of \$ _____
- ☒ Authorization is hereby made to charge the amount of \$ 180
- ☒ to Deposit Account No. 08-0300
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Reg. No. 36,256

Tel. No.: (580) 251-3012

Customer No.:


SIGNATURE OF PRACTITIONER

Craig W. Roddy
(type or print name of practitioner)

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PATENT
HES 2003-IP-011937U1

U.S. Patent No. 5,569,324 issued October 29, 1996 to Patty L. Totten et al.

U.S. Patent No. 5,711,383 issued January 27, 1998 to Dralen T. Terry et al.

U.S. Patent No. 5,749,418 issued May 12, 1998 to Sudhir Mehta et al.

U.S. Patent No. 5,968,255 issued October 19, 1999 to Sudhir Mehta et al.

U.S. Patent No. 6,138,759 issued October 31, 2000 to Jiten Chatterji et al.

U.S. Patent No. 6,230,804 B1 issued May 15, 2001 to Dan T. Mueller et al.

U.S. Patent No. 6,315,042 B1 issued November 13, 2001 to James E. Griffith et al.

U.S. Patent No. 6,524,384 B2 issued February 25, 2003 to James E. Griffith et al.

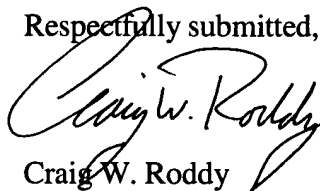
U.S. Patent No. 6,666,268 B2 issued December 23, 2003 to James E. Griffith et al.

U.S. Patent No. 6,668,929 B2 issued December 30, 2003 to James E. Griffith et al.

U.S. Patent No. 6,716,282 B2 issued April 6, 2004 to James E. Griffith et al.

Form PTO-1449 are submitted herewith.

Respectfully submitted,



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FORM PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCKET NO. 2003-IP-011937U1	SERIAL NO. 10/759,678
	APPLICANT Baireddy R. Reddy et al.	
	FILING DATE January 16, 2004	GROUP 1755

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		Document No.	Date	Name	Class	Subclass	Filing Date if Appropriate
	AA	5,295,543	03/22/94	Terry et al.	166	293	
	AB	5,327,968	07/12/94	Onan et al.	166	293	
	AC	5,355,954	10/18/94	Onan et al.	166	292	
	AD	5,383,521	01/24/95	Onan et al.	166	293	
	AE	5,421,409	06/06/95	Mueller et al.	166	292	
	AF	5,458,195	10/17/95	Totten et al.	166	293	
	AG	6,458,198 B1	10/01/02	Baret et al.	106	644	
	AH	5,501,277	03/26/96	Onan et al.	166	293	
	AI	5,569,324	10/29/96	Totten et al.	106	696	
	AJ	5,711,383	01/27/98	Terry et al.	175	72	
	AK	5,749,418	05/12/98	Mehta et al.	166	292	

FOREIGN PATENT DOCUMENTS

		Document No.	Date	Country	Class	Subclass	Translation	
							Yes	No
	AL							
	AM							
	AN							
	AO							
	AP							

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR		
	AS		
	AT		

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Sheet 2 of 2

FORM PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCKET NO. 2003-IP-011937U1	SERIAL NO. 10/759,678
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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		Document No.	Date	Name	Class	Subclass	Filing Date if Appropriate
	AA	5,968,255	10/19/99	Mehta et al.	106	724	
	AB	6,138,759	10/31/00	Chatterji et al.	166	293	
	AC	6,230,804 B1	05/15/01	Mueller et al.	166	293	
	AD	6,315,042 B1	11/13/01	Griffith et al.	166	291	
	AE	6,524,384 B2	02/25/03	Griffith et al.	106	705	
	AF	6,666,268 B2	12/23/03	Griffith et al.	166	292	
	AG	6,668,929 B2	12/30/03	Griffith et al.	166	292	
	AH	6,716,282 B2	04/06/04	Griffith et al.	106	705	
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

		Document No.	Date	Country	Class	Subclass	Translation	
							Yes	No
	AL							
	AM							
	AN							
	AO							
	AP							

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR		
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.